

GOVERNMENT OF ANDHRA PRADESH
A B S T R A C T

SUITS – Land Acquisition – Nizamabad District –Balkonda (M) – Jalalpur (V) – O.P.No.764/1995 – Dismissed by the Hon'ble High Court of Andhra Pradesh, Hyderabad – Sanction of Rs.5,39,44,849/- Orders – Issued.

IRRIGATION & CAD (PW.LA.III.A2) DEPARTMENT

G.O.RT.NO. 565

DATE:22.07.2008

Read:

From the Spl.CS to Govt & CCLA, AP, Hyd.Lr.No.SRP2/410/2008,
Dt: 27.05.2008 alongwith the letter of the Spl.Collector,LA,SRSP,
Hyderabad.

O R D E R:

The Special Chief Secretary & Chief Commissioner of Land Administration, Hyderabad has submitted the proposals for sanction of decretal charges in respect of O.P.No.764/95 pertaining to Balkonda (M) Jalalpur (V), Nizamabad District. The brief history of the case is that the then LAO had acquired the land for an extent of of Ac.24751.92 sq.mtrs for the purpose of submergence under SRSP Reservoir in the limits of Jalalpur (V) of Balkonda (Mandal) by fixing the market value @0.52 paise for open sites and the structures value, vide Award No.5/94-95, dt:28.10.1994. The awardees have filed petitions u/s 18 of L.A.Act. The Addl.Dist.Judge, Nizamabad has enhanced the land value from 0.52 paise to @Rs.6/- Sq.Mt for the open sites and sites covered by the Houses and pay compensation at 2 ¼ times the value fixed for houses for which detailed measurements were not taken, 25% more than the value fixed for houses, which had first floor on the ground. AMV sanctioned from the date of publication of notification u/s 4(1) of L.A.Act is 12%. Granted 30% Solatium on enhanced compensation. Ordered to pay the awarded amount (enhanced), @9% per annum for 1 year from the date of taking possession i.e 24.10.94 to 23.10.95 and thereafter @15% p.a thereafter till entire amount is paid and also entitled for interest on the aggregate amount of three components of entire compensation. AMV and Solatium from the date of award i.e 24.10.94 to till payment. Aggrieved by the enhancement ordered by the Civil Court, the Govt.have preferred an Appeal. The Hon'ble H.C in its judgment dt:27.06.03 has passed the interim stay orders on condition to deposit 50% of the enhanced decretal amount within (12) weeks. Accordingly, an amount of Rs.3,65,83,771/- was sanctioned as against which an amount of Rs.3,59,52,521/- only was deposited in the Dist.Judge Court, Nizamabad dt:21.12.04 and the remaining amount surrendered. Finally, the Hon'ble H.C in their order dt:6.11.06 in A.S.No.1349/2003 while dismissing the appeal preferred by the State by confirming the Lower Court orders..

2) After careful examination of the matter, Government hereby accord sanction for an amount of Rs.5,39,44,849/- (**Rupees Five crores, thirty nine lakhs forty four thousand eight hundred and forty nine only**) in respect of O.P.No.764/95 pertaining to Jalalpur (V) of Balkonda (M) of Nizamabad District subject to verification whether the reference under section 18(1) of the L.A.Act is made to the Lower Court after following all the guidelines/directions on the subject and in case it is detected that Section 18 reference was made contrary to the rules/guidelines issued by the Government/ Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad immediate action should be taken to

(PTO)

recover the loss sustained by the Government from the staff concerned and filing of restitution petition and also subject to confirmation of the Chief Engineer as to the extent of land acquired. Further, the Special Collector should verify the calculations made by the Land Acquisition Officer once again thoroughly with reference to the decree and instructions issued by the Government/Special Chief Secretary to Government and Chief Commissioner for Land Administration, Andhra Pradesh, Hyderabad on the subject from time to time duly deducting the Income Tax as per rules before depositing the amount in Lower court.

3) The Special Collector, SRSP, Hyderabad is directed to follow the directions issued by the Hon'ble High Court on 30.04.2007 in W.P.No.2181 of 2005 in disbursement of the above sanctioned decretal charges to the rightful claimants for avoiding intervention of the middlemen.

4) The expenditure sanctioned in para (2) above shall be debitable to the following Head of Account "2701- Capital Out Lay – M & MI – 01 – Major Irrigation –Commercial – MH.116 –Sriramasagar Project –GH.11–Normal State Plan–SH (26) Dams & Appurtenant works -530/532. Lands (Charged). In case, the available budget provision is not sufficient to meet the present requirement, the expenditure shall be met initially by way of advance from contingency fund subject to surrendering an equal amount from voted grant.

5) This order issues with the concurrence of Finance (Works&Projects) Department vide their U.O. No.SP8384/F4(2)/2008-1, dated 28.06.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

ADITYA NATH DAS
SECRETARY TO GOVERNMENT

To
The Spl. Chief Secretary to Government & CCLA, A.P., Hyderabad.
The Special Collector, SRSP, Tarnaka, Hyderabad.
The SDC, LA-cum-Loc, Unit, SRSP, Pochampad.
The Administrative-cum-Chief Engineer, Hyderabad.
The Director of Works Accounts, Hyderabad.
Copy to: P.S. to Minister (M& MI).
Finance (W&P) Department/File C.No.16368/LA-III(A1/2008.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER